King County	Department of Adult and Juvenile Detention All Divisions General Policy Manual
	Chapter 1 **Administration and Personnel Management**

1.01.006, **Staff Responsibilities Regarding Litigation Against King County and Duty-Related Criminal Prosecutions**			
		Approved By:	Director Allen Nance
		Effective Date:	June 21, 2024
		Reviewed By:	PRC, PAO
		Review Date:	May 08, 2024
Distribution:		Document Code No.	

Purpose

To describe the circumstances under which county officers, employees, agents and their marital communities will receive legal representation and indemnification from King County and to establish procedures for employees asked to participate in criminal or civil legal proceedings.

Policy

It is the policy of this Department to have the responsibilities of staff who are asked to participate in civil or criminal legal proceedings be clearly outlined.

References

RCW: 36.27.020
King County Codes: 2.21

A. General Guidelines

1. King County will protect county officials, employees, authorized agents and their marital communities from personal liability for alleged violations of civil and criminal law committed by such individuals in good faith, with no reasonable cause to believe the conduct was unlawful and within the scope of their official county employment, in accordance with King County Code 2.21.050 in effect on the effective date of this policy.
2. Any staff member who receives a summons, a subpoena, and/or a complaint in a lawsuit against King County or against any of its officials, employees or authorized agents alleged to be acting in their official capacities shall *immediately* deliver copies of the summons, subpoena and/or complaint to the Division Chief, Major, Deputy Division Director or Division Director's office. If directed to do so, the staff member will submit a report detailing information specifically requested by the Division Chief, Major, Deputy Division Director, Division Director or any of their designees.
3. The Division Chief, Major, Deputy Division Director or Division Director is responsible for ensuring that summons, subpoenas, and/or complaints are forwarded to the Civil Division of the Prosecuting Attorney's Office (PAO), the Deputy Director and the Director.

4. Staff members who receive a summons, subpoena, and/or complaint shall immediately secure and maintain any information, documents or other evidence which is or could be related to the legal action (i.e., emails, reports, etc.) and subsequently comply with any legal hold issued related to the legal action.
5. Staff members shall not discuss or release any information regarding the civil action to anyone other than the PAO Civil Division or their labor representative unless approved by the Department.
6. Court Orders
   a. Staff members are required to comply with all orders signed by a judge in a civil or criminal action naming King County or its employees and must immediately contact the PAO Civil Division to ensure proper compliance with such court orders.
   b. Any safety and security issues which are raised by a court order will be immediately brought to the attention of the Division Chief, Major, Deputy Division Director or Division Director's office.
7. Staff members shall cooperate fully and in good faith with the King County risk manager and the PAO Civil Division in the investigation and defense of claims and lawsuits.

B. Requests for Meetings/Interviews Regarding a Criminal or Civil Case

1. Staff members are entitled to request certain conditions before meeting with an opposing party, including the presence of an attorney, input as to the time and location, and the decision as to whether the meeting or interview is recorded. Staff may also ask the opposing party not to contact them directly and to instead contact the PAO attorney (or designee) handling the matter to schedule interviews/meetings.
   a. If asked by the criminal defense team to participate in a meeting/interview as a victim or witness in a criminal matter, you are entitled to ask for a PAO Criminal Division attorney to be present. The criminal defense team includes, but is not limited to, investigators, paralegals, and defense attorneys. When contacted by the criminal defense team, staff members should contact the PAO Criminal Division, prior to either accepting or refusing such a request, so that the staff member can be aware of their rights and obligations regarding that meeting.
   b. If asked to participate in a meeting/interview by a party who is suing King County or one of its employees or authorized agents, you must contact the PAO Civil Division attorney (or designee) immediately in order to determine whether participation is warranted and under what circumstances.

2. Staff members have the right to refuse to participate in meetings/interviews. However, refusing meetings or interviews may result in a subpoena being issued for deposition testimony. Complying with a subpoena for a deposition is not optional, and the party scheduling the deposition is not required to conduct it during a staff member's usual working hours. The deposition is more likely to occur during a court's typical hours (i.e., between 8:00 a.m. and 5:00 p.m.). If you are subpoenaed or scheduled for a formal deposition, a PAO Civil Division attorney (or designee) must be present to represent the County.